



# HAVASUPAI TRIBAL COUNCIL

P.O. Box 10 • Supai, Arizona 86435  
(928) 448-2731 • Fax (928) 448-2551

April 13, 2021

***Re: Request to Co-Sponsor H.R. 1884/S. 915, the Save Oak Flat Act***

Dear Representatives and Senators:

On behalf of the Havasupai Tribe, I write to respectfully request that you consider co-sponsoring H.R. 1884/S. 915, the Save Oak Flat Act. The Save Oak Flat Act will repeal Section 3003 and withdraw the Oak Flat area from mining laws to permanently protect this sacred area. We respectfully request that you co-sponsor the Save Oak Flat Act. Protecting tribal sacred areas and cultural resources is essential to upholding the federal trust responsibility.

Chi'chil Biddagoteel, known as Oak Flat, is a Traditional Cultural Property listed on the National Register of Historic Places located in the Tonto National Forest (TNF) in southeastern Arizona. The Oak Flat area plays a vital role in tribal religion, tradition, and culture. Since time immemorial, native people have come to Oak Flat to participate in ceremonies, pray, gather medicines and ceremonial items, and seek and obtain peace and personal cleansing.

Tribal leaders and allies have been working for over 18 years to protect the Oak Flat area from foreign mining conglomerates – Rio Tinto and BHP Billiton – who, through their joint venture Resolution Copper Mining, LLC, seek to develop the largest and deepest copper mine in North America. As part of a closed-door, backroom deal during the last days of a lame-duck Congress in December 2014, the Southeast Arizona Land Exchange (Land Exchange) was included as Section 3003 of the FY15 NDAA, P.L. 113-291. The Land Exchange transfers over 2,000 acres of TNF land, including the sacred Oak Flat area, to Resolution Copper in exchange for Resolution Copper-owned parcels that will go to the Department of the Interior and the U.S. Forest Service.

The U.S. Forest Service has failed to comply with NEPA and other applicable federal laws, and it has failed to complete the required appraisals of the lands to be exchanged. Instead, the U.S. Forest Service rushed to publish the Final EIS on Jan. 15, 2021, to artificially start a 60-day clock under Section 3003(c)(10) and give away sacred Oak Flat to Resolution Copper. This will inevitably pave the way for the mine to destroy Oak Flat, large swaths of TNF, and other surrounding areas.

On February 11, the Advisory Council on Historic Preservation (ACHP) declined to sign the Programmatic Agreement under the National Historic Preservation Act (NHPA) Section 106 process preventing its execution, stating “[i]t is clear that the proposed undertaking would destroy significant historic properties, including the highly significant Oak Flat, and the measures in the PA are not sufficient to adequately resolve those adverse effects.”

Additionally, on March 1, 2021, USDA directed the U.S. Forest Service to withdraw the Notice of Availability and rescind the FEIS and draft Record of Decision. USDA noted that rescinding the FEIS will ensure the U.S. Forest Service complies with “the environmental, cultural, and archaeological analyses required” and concluded that “additional time is necessary to fully understand concerns raised by Tribes and the public and the project’s impacts to these important resources and ensure the agency’s compliance with federal law.” Importantly, USDA noted that because the land exchange was directed under the FY15 NDAA that “long term protection of the site will likely require an act of Congress.”

Although flawed, the withdrawn FEIS acknowledged that Resolution Copper’s proposed mining activities will directly, adversely, and permanently affect numerous sacred springs, traditional areas, burial locations, and other cultural places and experiences of high spiritual and cultural value. The massive mine will also cause irreversible destruction to thousands of acres of public lands and contaminate already scarce water sources. This is especially concerning to the Havasupai Tribe since we have always considered water to be sacred.

Please support the Tribes and protect the sacred environment by co-sponsoring the Save Oak Flat Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Putesoy Sr.', with a long horizontal flourish extending to the right.

Matthew Putesoy Sr.  
Havasupai Tribal Vice-Chairman